

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

v.

JUDGE DEAN D. PREQERSON, et al.,

Defendants.

Case No. 1:20-cv-01121-DAD-SAB

ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff Thomas K. Mills is a state prisoner proceeding *pro se* in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed a complaint on August 13, 2020, against Judge Dean D. Pregerson and the United States District alleging violations of his civil rights for the failure to issue a decision on his habeas petition.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b). The Court has reviewed Plaintiff’s complaint and finds that venue does not lie in this district as none of the venue requirements of section 1391 are met. Plaintiff’s habeas petition is pending in the

Central District of California. Venue in this action appropriately lies within the Central District of California.

Pursuant to 28 U.S.C. § 1406(a), when a case has been filed in the wrong district, the “district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Additionally Local Rule 120(f), provides that a civil action which has not been commenced in the proper court may, on the court’s own motion, be transferred to the proper court. Therefore, this action will be transferred to the Central District of California. This court will not rule on Plaintiff’s request to proceed *in forma pauperis*.

Good cause appearing, IT IS HEREBY ORDERED that:

1. This action is transferred to the United States District Court for the Central District of California; and
2. This court has not ruled on Plaintiff’s request to proceed *in forma pauperis*.

IT IS SO ORDERED.

Dated: August 13, 2020

  
UNITED STATES MAGISTRATE JUDGE